

REMARKS

In accordance with the foregoing, the specification has been amended to list all three pending reissue applications. Claims 1-10, 101, 102, 104, 105, 107-110, 112, 118, 119, 121-123, 125-127, 129, 148-172, 174-176, 178-186, 188-191, 193-196 and 198-199 are pending and under consideration.

Regarding the Examiner's "Response to Amendment" on page 2 of the Office Action, the Examiner asserts that claims not under consideration should be labeled as "cancelled" instead of "withdrawn." The pending claims, as presented above, revise the status indicators to comply with the Examiner's request.

The Examiner raises a provisional obviousness-type double patenting rejection of the pending claims. The Examiner's attention is called to MPEP §804 I.B.1., reprinted below with emphasis added.

**804 Definition of Double Patenting [R-5] - 800 Restriction in Applications
Filed Under 35 U.S.C. 111; Double Patenting**

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I. INSTANCES WHERE DOUBLE PATENTING ISSUE CAN BE RAISED

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B. Between Copending Applications-Provisional Rejections

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1. Nonstatutory Double Patenting Rejections

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

Section 804 indicates that if a "provisional" nonstatutory obviousness-type double patenting rejection is the only rejection remaining in the earlier-filed application, the Examiner should withdraw the rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. In view of the MPEP section, it is submitted that the obviousness-type double patenting rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 09/548,213

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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